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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

RICHARD KADREY, *et al.*,

Individual and Representative Plaintiffs,

v.

META PLATFORMS, INC., a Delaware
corporation,

Defendant.

Case No. 3:23-cv-03417-VC-TSH

**DEFENDANT META PLATFORMS, INC.'S
ADMINISTRATIVE MOTION TO FILE UNDER
SEAL RE: BROWN DECLARATION**

By request of third-party Lighthouse, Defendant Meta Platforms, Inc. (“Meta”) moves this Court for an Order allowing the sealing of narrowly tailored portions of the Declaration of Jamie Brown (“Brown Declaration”). Based on the Declaration of John Pollard (“Pollard Declaration”), Meta respectfully submits that compelling reasons and good cause exist for the filing of these limited portions under seal to safeguard third-party Lighthouse’s proprietary information. The Motion is based on the following Memorandum of Points and Authorities and the Pollard Declaration in support of this Motion. A [Proposed] Order is filed concurrently herewith.

I. LEGAL STANDARD

Though the presumption of public access to judicial proceedings and records is strong, it “is not absolute.” *Nixon v. Warner Commc’ns. Inc.*, 435 U.S. 589, 598 (1978). The Ninth Circuit treats dispositive versus non-dispositive motions (and documents attached thereto) differently for purposes of sealing. *Kamakana v. City & Cnty. of Honolulu*, 447 F.3d 1172, 1180 (9th Cir. 2006); *Ctr. for Auto Safety v. Chrysler Grp.*, 809 F.3d 1092, 1098 (9th Cir. 2016). Whereas dispositive motions are subject to the “compelling reason” standard, non-dispositive motions are subject to the “good cause” standard. *Kamakana*, 447 F.3d at 1179-80 (detailing distinction between “compelling reason” and “good cause” standards as applied to dispositive and non-dispositive motions); *see also OpenTV v. Apple*, No. 14-cv-01622-HSG, 2015 WL 5714851, at *2 (N.D. Cal. Sept. 17, 2015); *Kamakana*, 447 F.3d at 1180 (“A ‘good cause’ showing will suffice to seal documents produced in discovery.”). The Federal Rules afford district courts “flexibility in balancing and protecting the interests of private parties.” *Kamakana*, 447 F.3d at 1180; *DSS Tech. Mgmt. v. Apple*, No. 14-cv-05330-HSG, 2020 WL 210318, at *8 (N.D. Cal. Jan. 14, 2020), *aff’d*, 845 F. App’x 963 (Fed. Cir. 2021) (finding good cause to seal “confidential business and proprietary information”).

II. ARGUMENT

Given the non-dispositive nature of the underlying filing, the good cause standard applies here. However, in an abundance of caution, and in consideration of the Court’s guidance, Meta submits that Lighthouse’s sealing request satisfies both the “good cause” and “compelling reason” standards, and respectfully requests to seal narrowly tailored portions of the Brown Declaration.

1 The Supreme Court has limited “the right to inspect and copy judicial records,” recognizing
 2 that “the common-law right of inspection has bowed before the power of a court to insure that its
 3 records are not used . . . as sources of business information that might harm a litigant’s competitive
 4 standing.” *Nixon v. Warner Commc’ns*, 435 U.S. 589, 598 (1978). Similarly, the Ninth Circuit
 5 recognizes that the Federal Rules afford district courts “flexibility in balancing and protecting the
 6 interests of private parties.” *Kamakana*, 447 F.3d at 1180; *In re Elec. Arts*, 298 F. App’x 568, 569
 7 (9th Cir. 2008) (granting petition for writ of mandamus and overturning the district court’s decision
 8 that terms of licensing agreement did not meet the “compelling reason” standard).

9 Cognizant of this Court’s guidance in its Sealing Order (Dkt. 373), sealing is warranted here
 10 as to Lighthouse’s narrowly tailored, highlighted portions of the Brown Declaration. Specifically,
 11 Meta respectfully requests the Court’s permission to seal detailed technical information concerning
 12 Lighthouse’s proprietary document processing techniques—this information has no relevance to
 13 the merits issues in the above-captioned matter, and Lighthouse has a strong interest in maintaining
 14 their confidentiality. The information sought to be sealed is highly confidential, and Lighthouse
 15 has applied the least redactions possible to minimize the risk of competitive harm to Lighthouse,
 16 while balancing the need for public access to the information. Courts in this district have found
 17 compelling reasons to seal such materials, including proprietary technical and competitively
 18 sensitive business information. *E.g.*, *Space Data Corp. v. Alphabet Inc.*, No. 16-CV-03260-BLF,
 19 2019 WL 285799, at *1 (N.D. Cal. Jan. 22, 2019) (finding information regarding party’s
 20 confidential and proprietary technical information, and sensitive financial information sealable); *In*
 21 *re iPhone App. Litig.*, No. 11-md-02250-LHK, 2013 WL 12335013, at *2 (N.D. Cal. Nov. 25,
 22 2013) (granting motion to seal portions of the parties’ briefing on summary judgment and class
 23 certification, and accompanying materials to “maintain[] the confidentiality of information about
 24 [defendant’s] technology and internal business operations”); *Kyowa Hakko Kirin v. Aragen*
 25 *Bioscience*, No. 16-cv-05993-JD, 2017 U.S. Dist. LEXIS 184566, at *3 (N.D. Cal. Nov. 7, 2017)
 26 (finding good cause to protect “confidential third-party information, the disclosure of which may
 27 violate confidentiality provisions in . . . agreements . . . and cause competitive and financial harm
 28 by allowing . . . competitors insight into . . . [business] strategies and efforts”); *Nextpulse v.*

1 *Brunswick*, No. 22-cv-04071-HSG, 2023 WL 1880949, at *7 (N.D. Cal. Feb. 10, 2023) (finding
2 “compelling reasons to seal [asset purchase agreement because it comprises] confidential, strategic
3 and competitively sensitive business information”).

4 Here, as in the above-cited cases, the harm to Lighthouse outweighs the public’s interest in
5 disclosure. *See, e.g., In re iPhone App. Litig.*, 2013 WL 12335013, at *2 (granting motion to seal
6 where the defendant’s interest in maintaining the confidentiality of the information sought to be
7 sealed outweighed that of the public in accessing such documents). Lighthouse’s proposed
8 highlighted redactions are narrowly tailored to include only that information which disclosure of
9 would cause specific, articulable harm to Lighthouse, as identified in the Pollard Declaration, and
10 are limited to materials that are either tangential or irrelevant to the claims at issue in this case.
11 Thus, not only is sealing Lighthouse’s proposed highlighted redactions necessary to safeguard
12 Lighthouse against competitive harms, but also the public’s interest in accessing these materials is
13 minimal at best.

14 **III. CONCLUSION**

15 For the foregoing reasons, Meta respectfully requests that the Court grant this Motion.
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1 Dated: February 12, 2025

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